

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EPICE CORPORATION,)	
)	
Plaintiff,)	
)	Case No. 4:07CV206 HEA
v.)	
)	
THE LAND REUTILIZATION)	
AUTHORITY OF THE CITY OF ST.)	
LOUIS, MISSOURI, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motions to Dismiss Plaintiff's Fourth Amended Complaint, [Doc. No.'s 95 and 99]. Plaintiff filed oppositions to both motions. The Court has previously denied Defendants' motions to dismiss Plaintiff's Original Complaint, See Opinion, Memorandum and Order dated May 24, 2007. Subsequent to the filing of the Motions to Dismiss, all Defendants have filed Motions for Summary Judgment. (See Doc. No.'s 108 and 110). It appears, therefore, that Defendants no longer challenge the sufficiency of the Fourth Amended Complaint and that the Motions to Dismiss have been superceded and rendered moot by the Motions for Summary Judgment, which argue that there exist no genuine issues of material facts as to the claims set forth in the Fourth Amended

Complaint, and that Defendants are entitled to judgment as a matter of law.¹

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motions to Dismiss, [Doc. No.'s 95 and 99], are denied.

Dated this 28th day of September, 2009.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

¹ The Court notes that one of the grounds for dismissal of Defendant Legget is that he is sued solely in his official capacity and that he was not the Collector of Revenue at the time the challenged events occurred. Plaintiff will be given leave to amend its Fourth Amended Complaint for the sole purpose of naming the proper party defendant. Such amendment will have no substantive effect on the merits of the pending motions for summary judgment, and the parties will not be required to amend the motions nor answer the amendment. Said amendment may be accomplished through interlineation.